IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
CIVIL APPLICATION NO.279 OF 2006
IN
SECOND APPEAL NO.120 OF 2005

Shri Bhagwan Sadashiv Patil .. ..Applicant
Versus
Shri Anandrao Shripatrao Chougule .. ..Respondent

Mr.T.D.Deshmukh for applicant
Mr.S.S.Patwardhan for respondent

CORAM : P.V.KAKADE, J.

DATE : 28TH APRIL,2006

P.C.:

1. Heard the learned counsel for both the parties. Perused the record.

2. This is an application filed by the appellant in the Second Appeal in order to seek direction to the Vishwasrao Naik Sahakari Sakhar Karkhana, Kolhapur to allot appropriate amount in favour of the applicant against supply of 20 tones sugar-cane crops cultivated in Gat No.1845 totally admeasuring 0.98 R. situated at village Sarud, Tal. Shahuwadi, Dist. Kolhapur.

3. It appears that there is some dispute between the parties regarding actual possession of the suit property. However, by order passed today under Civil Application No.278 of 2006 that position is clarified by this Court. However, it appears that the present applicant-appellant has given statement to the police dated 12.1.2006 in that regard of which copy is available, wherein it was decided between the parties that the dispute regarding the amount of sugar-cane crop would be decided as per the order of this court.

4. In view of the facts and circumstances it is hereby directed that the amount which would be received towards the sale of sugar-cane crop to the Sahakari Sakhar Karkhana for this harvesting season shall be deposited in this court and therefore, there need not be any dispute. The said deposit of the amount shall be subject to final adjudication of the second appeal by this court. It is also clarified that this order is restricted for the amount received during the current harvesting season and would not apply to future harvesting seasons pending the appeal. With this direction the civil application stands disposed of with no order as to costs.